

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

RANDY W. GILLERT,)	
)	
Plaintiff,)	
)	
vs.)	No. 08 C 567
)	
EXPERIAN INFORMATION SOLUTIONS, INC.,)	
and)	
US DEPARTMENT OF EDUCATION,)	
)	
Defendant.)	

JOINT INITIAL STATUS REPORT

A. Attorneys of Record:

Counsels for Plaintiff:
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Counsel for Defendant Experian Information Solutions, Inc.:
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Counsel for Defendant United States Department of Education.
Ms. Gina E. Brock
Assistant United States Attorney
219 S. Dearborn St.
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B. Bases for Federal Jurisdiction:

Jurisdiction of this Court arises under 15 U.S.C. § 1681p, 28 U.S.C. §§1331, and 1337. Venue lies properly in this district pursuant to 28 U.S.C. §1391(b). The United States asserts that it is entitled to sovereign immunity.

C. Nature of the Claims and any Counterclaims:

This is an action for damages brought by an individual consumer against the defendants for violations of the Fair Credit Reporting Act (hereafter the “FCRA”), 15 U.S.C. §1681 *et seq.*, *as amended*. Plaintiff alleges that Defendants Experian and the Department of Education have reported inaccurate account information regarding an account Plaintiff held with the Department of Education. Plaintiff alleges that the account at issue was in a deferred payment status wherein she was not required to make monthly payments yet. However the Department of Education had reported the account as being up to 90 days late throughout that deferment period. Plaintiff had disputed this reporting to Experian following procedures the FCRA and the Defendants have refused to correct the reporting of this account. Experian has answered the Complaint. Experian denies the allegations of the Complaint and denies that it is liable. Experian has set forth affirmative defenses. Experian has not filed any counterclaims.

D. Status of Service:

All parties have been served and filed an appearance to date.

E. Principal Legal Issues:

Whether any party was negligent in violating the FCRA provisions requiring reasonable procedures to assure maximum possible accuracy, and conduct a reasonable reinvestigation into the accuracy of reporting upon receiving notice from a consumer, and whether Plaintiff suffered any damages as a result of any failure.

F. Principal Factual Issues:

Whether Experian and the U.S. Department of Education utilized all reasonable procedures to assure accuracy in reporting and conduct a reasonable investigation into Plaintiff’s disputes. Whether Plaintiff was damaged by any violation of the FCRA.

G. Jury Demand:

A jury trial had been requested. Plaintiff is not entitled to a jury trial against the United States

H. Status of Discovery:

The parties have only briefly discussed the matter and have not yet made disclosures under Rule 26. No other discovery has been issued. Upon completion of written discovery the parties will likely engage in any necessary oral discovery.

I. Trial:

- (i) The case is not currently ready for trial.
- (ii) The earliest the parties may be ready for trial is December of 2008.
- (iii) The probable length of trial is two to three days.

J. Magistrate Consent:

The parties do not unanimously consent to proceed before the Magistrate Judge

K. Status of Settlement:

The parties have had initial discussions into whether the case can be settled. Though no demands or offers have been made, the parties have agreed to continue ongoing discussions in an effort to resolve this case before pursuing discovery. After being allowed a reasonable attempt to settle the case, the parties may then be amenable to participate in a settlement conference.

Judge Kendall

United States District Judge